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cence the more to his taste. Of every vermin, he above all others is least able to prove an alibi when charged with having been in touch with every kind of corruption, and with having become contaminated with the germs thereof. After free indulgence in the cess-pools of disease and filth, he then possesses the further obnoxious attribute of being moth agile and persistent in ability to distribute the germs of almost every deadly form of contagion.

It is a matter of common knowledge that yellow fever was formerly the scourge of certain localities in our own and other countries. For years no one mistrusted or was able to detect the cause. But one day it was announced that a certain kind of mosquito by his sting communicated the germs of this dread disease. The knowing introduction of one of these mosquitos now would constitute a criminal offense. While the house fly has not yet been regarded as fatal as a mosquito, he, nevertheless, is now attracting the serious attention of sanitary and health departments all over the country; in fact, all over the world. The dangers with which his presence is fraught is also a matter of common knowledge, and hence of judicial notice."

Libel and Slander—Liability of Publisher of Libelous Novel.—In *Corrigan v. Bobbs-Merrill Co.*, 126 N. E. 260, the Court of Appeals of New York held that the publishers of a libelous novel is chargeable with the publication of the matter if it was written of and concerning the person libeled, even though the publisher was unaware of his existence, or even that the matter was written of and concerning any existing person.

The court said in part: "The fact that the publisher has no actual intention to defame a particular man or indeed to injure any one does not prevent recovery of compensatory damages by one who connects himself with the publication, at least, in the absence of some special reason for a positive belief that no one existed to whom the description answered. The question is not so much who was aimed at as who was hit.

"The writing, according to the old form, must be malicious, and it must be of and concerning the plaintiff. Just as the defendant could not excuse himself from malice by proving that he wrote it in the most benevolent spirit, so he cannot show that the libel was not of and concerning the plaintiff by proving that he never heard of the plaintiff. His intention in both respects equally is inferred from what he did. His remedy is to abstain from defamatory words.' Lord Loreburn, L. C., in *Hulton v. Jones*, 1910, A. C. 20, 24.

"This rule is unqualifiedly applied to publications in the newspaper press, and is no different when applied to those who issue books. Works of fiction not infrequently depict as imaginary events in

courts of justice or elsewhere actually drawn or distorted from real life. Dickens, in 'Pickwick Papers' has a well-known court scene of which Mr. Serjeant Ballantine says in his 'Experiences' that Mr. Justice Gazelee 'has been delivered to posterity as having presided at the famous trial of Bardell *v.* Pickwick. I just remember him, and he certainly was deaf.' Goldwin Smith, the distinguished historian and publicist, said of Disraeli's veiled attack upon him as 'The Oxford Professor' in the novel 'Lothair,' that ('Reminiscences,' p. 171):

"He afterwards pursued me across the Atlantic, and tried to brand me, under a perfectly transparent pseudonym, if "Oxford Professor" could be called a pseudonym at all, as a "social sycophant." There is surely nothing more dastardly than this mode of stabbing a reputation.'

"The power of Charles Reade's descriptions of prison life in 'It's Never Too Late to Mend' and the abuses of private insane asylums in 'Hard Cash' is undeniable, although the truth of some of his details was challenged. The novel of purpose, such as 'Uncle Tom's Cabin,' often deals with incidents and individuals not wholly imaginary. Reputations may not be traduced with impunity, whether under the literary forms of a work of fiction, or in jest (*Triggs v. Sun Printing & Pub. Ass'n*, 179 N. Y. 144, 71 N. E. 739, 63 L. R. A. 612, 103 Am. St. Rep. 841, 1 Ann. Cas. 326, or by inadvertence (*Moore v. Francis*, 121 N. Y. 199, 207, 23 N. E. 1127, 8 L. R. A. 214, 18 Am. St. Rep. 810), or by the use of words with a double meaning (*Morrison v. Smith*, 177 N. E. 725; *First Nat. Bank of Waverly v. Winters*, 225 N. Y. 47, 50, 121 N. E. 459). Publishers cannot be so guileless as to be ignorant of the trade risk of injuring others by accidental libels."